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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,178	03/05/2002	Teng Pin Poo	1601457-0013	7556

7590

03/25/2004

White & Case LLP
Attn: Patent Department
1155 Avenue of the Americas
New York, NY 10036

EXAMINER

CASIANO, ANGEL L

ART UNIT PAPER NUMBER

2182

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,178

Applicant(s)

POO ET AL.

Examiner

Angel L. Casiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The present Office action is in response to application filed 05 March 2002.
2. Claims 1-14 are pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 24 September 2003 was filed after the mailing date of the application on 05 March 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- Figure 1B; "152", "156", "158", "160", "164", "166" and "168".

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "162" has been used to designate both *CCD Driver* and *Additional USB Port* (see Figure 1B). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3, 8-9 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gotanda [JP 2002232769 A].

Regarding claim 1, Gotanda explicitly teaches a portable device capable of operation with a host platform (see Title; Abstract). The cited portable device includes a coupling device for a serial bus (see *USB connector* "46") as well as non-volatile memory (see Figure 1, "15"). Gotanda

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teaches a *digital camera* (see Title) for capturing and storing information. The portable device (see *digital camera*) disclosed by Gotanda includes a microprocessor (see Figure 4). Image data is formatted into a compatible file format for the host platform (see *circuit "65"*; Figure 4).

As for claim 2, Gotanda teaches a flash memory card as part of the non-volatile memory (see Figure 1, "15").

As for claim 3, Gotanda teaches connection to a USB port (Figure 2, "46") of a host platform.

As for claim 8, Gotanda teaches the portable device as receiving power and providing power to the components of the device (see Figures 1, 2).

As per claim 9, Gotanda teaches providing power to the components of the portable device (see Figures 1, 2 and 4).

Regarding claim 12, Gotanda explicitly teaches a portable device capable of operating with a host platform (see Title; Abstract). Accordingly, the cited reference also teaches the method for capturing and uploading the image and/or audio information. The prior portable device includes a coupling device for a serial bus (see *USB connector "46"*). In addition Gotanda teaches the steps of capturing, digitizing and processing information. Image data is formatted (*processed*)

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into a compatible file format for the host platform (see *circuit* “65”; Figure 4). Furthermore, information is *uploaded* to the host platform (see Abstract).

As for claim 13, Gotanda explicitly teaches storing the image and/or audio data in memory (see Figure 4).

10. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Foster [US 2002/0145507 A1].

Regarding claim 14, Foster explicitly teaches a method (see Abstract) for authenticating an operator seeking access to information on a storage medium. Foster teaches the steps of capturing data via a digital camera (see Figure 1, “16”; Page 1, [0001]; Page 3, “claims 1, 9 and 13”), comparing the data against a stored template (see Figure 4) and allowing access to the information if the data matches the stored template upon a comparison (see “claim 13”; Figure 4, “66”).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotanda [JP 2002232769 A].

As for claims 4-7, Gotanda teaches a portable device (digital camera) for capturing and storing image information (see Figure 1, "5"; Figure 2, "22"). The reference does not explicitly mention JPEG, GIF, PICT II and MPEG file formats. Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify the image and/or audio data to be in a known file format. It is well known in the art that JPEG, GIF, PICT II and MPEG file formats are commonly used for data (audio or image). Therefore, in order to apply the portable device disclosed by Gotanda to common platforms (e.g. PC or Macintosh) one of ordinary skill in the art would have been motivated to use image and/or audio data in a well-known file format.

Regarding claim 10, Gotanda explicitly teaches a portable device capable of operation with a host platform (see Title; Abstract). The cited portable device includes a coupling device for a serial bus (see *USB connector* "46") as well as non-volatile memory (see Figure 1, "15"). Gotanda teaches a *digital camera* (see Title) for capturing and storing information. The reference does not explicitly teach a *flexible communications cable*. Nonetheless, it does disclose a USB connector. It would have been obvious to one of ordinary skill in the art, at the time of the invention, that the USB connector would connect the portable device to an external component. Accordingly, USB cables are well known to be *flexible*.

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As for claim 11, the portable device (see *digital camera*) disclosed by Gotanda includes a microprocessor (see Figure 4). Image data is formatted into a compatible file format for the host platform (see *circuit "65"*; Figure 4).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Steinberg et al. [US 6,628,325 B1] teaches camera network communication device.
- Kang [US 6,577,337 B1] teaches display apparatus for visual communication.
- Palatov et al. [US 2003/0063196 A1] teaches portable interactive data storage device.
- Hwang [KR 2002085497 A] teaches electronic frame and method for displaying the same.
- Makishima [JP 2003186782 A] teaches information delivery system.
- Casio Computer Co. [JP 2001290753 A] teaches easy recognition of device information in computer system.
- Sasagawa [JP 2002359763 A] teaches digital camera.
- Kimbell et al. [US 2002/0167546 A1] teaches picture stack.
- Wang et al. [US 2002/0116565 A1] teaches USB host controller and interface with batched data transfer.
- Robertson [US 2001/0047441 A1] teaches communication system conduit for transferring data.

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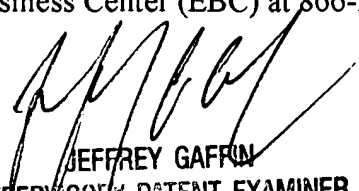
- Yoshizawa [JP 2001242965 A] teaches computer system, information processing device, and power supply system.
- Fujioka [JP 2000209534 A] discloses a digital image-fetching device.
- Shinkawa [JP 11266384 A] teaches digital camera system.
- Jones [EP 1139224 A2] teaches interface communicated with removable memory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 9:30-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

alc
17 March 2004.


JEFFREY GAFFIN
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